

<sup>1</sup>Petitioner has named as respondent the United States Government. The proper respondent when a petitioner is in jail due to the federal action he is attacking is the officer having custody of the applicant. See Rule 2 of the Rules Governing § 2254 Cases. Because petitioner also challenges the federal government's prosecution of his criminal case, the attorney general would appear to be an additional proper respondent in this action. *Id.*

The detention and preliminary hearings were then stayed until a report of the psychiatric evaluation could be filed and a competency hearing could be scheduled. See USA v. Jeep, No. 4:09-MJ-1052 TIA.

Because petitioner's criminal proceedings are ongoing in this Court and the claims he raises in this action can be raised in those proceedings, petitioner's application for writ of habeas corpus will be summarily denied.

Accordingly,

**IT IS HEREBY ORDERED** petitioner's application for writ of habeas corpus pursuant to 28 U.S.C. § 2241 is **DENIED**. [Doc. 1]

**IT IS FURTHER ORDERED** that the Court will not issue a certificate of appealability.

**IT IS FURTHER ORDERED** that petitioner's motion for hearing is **DENIED**. [Doc. 5]

A separate Order of Dismissal shall accompany this Memorandum and Order.

A handwritten signature in cursive script, appearing to read "Charles A. Shaw", written in black ink.

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**CHARLES A. SHAW**  
**UNITED STATES DISTRICT JUDGE**

Dated this 18th day of June, 2009.